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VIRGINIA LAW REGISTER

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A Massachusetts statute prohibiting the making of a contract which would amount to unfair competition against weak dealers, was recently upheld by the supreme court of Massachusetts. Its constitutionality was questioned by the defendant who had been found guilty of selling goods to certain jobbers on more favorable terms than to the other dealers, provided the jobbers would deal exclusively with the defendants. The court, in holding the statute constitutional, said that its design was to prevent a monopoly of the market in any line.

Anti-Monopoly Laws. When our legislature takes action under the enabling clause in the constitution (§ 165), we hope that it will give this section careful consideration. They could not do better than to model any statute that may be enacted into our laws on the subject, after this Massachusetts statute. It is just such oppression as was shown in this case that laws for the prevention of monopolies and unfair competition should be framed to prohibit.

Complaints of the falling off in litigation have long been made by the bar. In some instances the decline is almost inexplicable. A good many causes, probably, co-operate to produce this remarkable decline. For one thing, business is more than ever carried on by large organizations, and **Decline of Litigation.** conducted with a degree of care and skill which could not be expected half a century ago. These large companies are not apt to fight with each other about trifles, and in serious matters a difference of opinion usually results in a compromise. Then, again, attendance at the common-law courts is irksome and inconvenient to suitors; there are often delays, and costs are heavy. So settlement by arbitration is coming into fashion. Moreover, most of the questions which formerly led to actions at law have been settled by the legislature

or by judicial decisions which have almost equal authority, and it is more and more difficult to discover any new principle in the judgments of the day. The decline of litigation has little effect upon the most profitable class of business, viz.; that of solicitors to corporations and large concerns, managers of estates and family property, and the conduct of other noncontentious business. When this business is divided, however, among the vast number of attorneys on the roll, the share of the majority is probably not felt to be excessive.

The two-cent-mileage law goes into effect June 15th according to its provisions, but this doesn't mean that the people of Virginia will begin to reap its benefits at that time. Far from it!

**Railroad
Rate Bill.**

The railroads, as is well known, are already marshaling their forces, and this measure will, beyond doubt, be fought to the bitter end on constitutional grounds; first before the state corporation commission; and if they fail there, they will appeal to the courts. In this way it is hard to predict the future of this unpopular offspring of the Virginia Legislature. Its benefits will accrue chiefly to commercial travellers, and so it is doubtful whether such drastic measure is even backed by the popular favor, except that it is something that railroad corporations don't like.

The recent decision by the Supreme Court of the United States has caused such widespread interest among the profession, that we have been requested by a number of subscribers to the REGISTER to print this case in full.

**A Recent Divorce
Decision.**

The husband went to Connecticut and remained there for a long while, and under the lax laws of that state obtained a divorce. The wife remained in New York state. This Connecticut decree was declared invalid. The court distinguishes the Ather-ton case on the ground that the domicile of both parties was in Kentucky where the divorce was granted, although the wife was temporarily absent in New York, whereas in the case at bar

the wife, because of the fault of the husband in deserting her, acquired a separate domicile.

The court said that the denial of the power to enforce in another state a decree of divorce rendered against a person who was not subject to the jurisdiction of the state in which the decree was rendered, does not deprive a state of the power to render a decree of divorce susceptible of being enforced within its borders as to the person within the jurisdiction, and does not debar other states from giving such effect to a judgment of that character as they may elect to do under mere principles of state comity. Could anything speak more loudly in favor of Federal legislation than this? This decision means that the parties may be divorced in the state granting the divorce, but married in all others refusing to recognize the foreign divorce as valid, thus making them liable to the criminal laws of a foreign state, and possibly changing their civil rights and liabilities.